



**SAN MARCOS PLANNING & ZONING COMMISSION
ACTION AGENDA
January 14, 2014
REGULAR MEETING**

| Agenda # | | Action or Direction |
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| 1 | Call to Order | Chair Taylor called the meeting to order at 6:00 p.m. |
| 2 | Roll Call | Commissioner Morris was absent |
| 3 | Chairperson's Opening Remarks | |
| | NOTE: The Planning and Zoning Commission may adjourn into Executive Session to consider any item listed on this agenda if a matter is raised that is appropriate for Executive Session discussion. An announcement will be made of the basis for the Executive Session discussion. The Planning and Zoning Commission may also publicly discuss any item listed on the agenda for Executive Session. | |
| 4 | 30 minute Citizen Comment Period | 1. Melissa Derrick 2. Lea Rice 3. Cama Davis |
| 5 | <u>Consent Agenda</u> Consider the approval of the minutes of the Regular Meeting on December 10, 2013. | Approved on Consent |
| 6 | PC-13-45_03 (Posey Business Park) Consider a request by Garrett-Ihnen Civil Engineers, on behalf of Posey 2000 LLC, for approval of a Final Plat and associated subdivision improvement agreement for approximately 3.631 acres, more or less, out of the Henry Warnell Survey No. 21, Abstract No. 492, establishing Posey Business Park Section One subdivision located near the intersection of Posey Road and Hunter Road. | Approved on Consent |
| 7 | <u>Public Hearing:</u> CUP-13-41 (Tex Mex Sports Bar) Hold a public hearing and consider a request by Maricela Ramos, owner of Tex Mex Sports Bar, for approval of a new | Public Hearing: No one spoke Approved 8-0 with the following conditions: 1. The permit shall be valid for one |

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| | Conditional Use Permit at a location with an expired CUP to allow the sale of beer and wine for on-premise consumption at 1700 S. IH 35. | <p>(1) year, provided standards are met, subject to the point system; and,</p> <p>2. The permit shall be posted in the same area and manner as the Certificate of Occupancy.</p> |
| 8 | CUP-13-42 (322 Cheatham Street) Hold a public hearing and consider a request by Jean Paul Jafari, on behalf of Dolcetto, L.L.C., for a new Conditional Use Permit to allow the sale of beer and wine for on-premise consumption at 322 Cheatham Street. | <p>Public Hearing:</p> <ol style="list-style-type: none"> 1. Lisa Marie Coppoletta 2. Ryan Butler 3. Daniel Scales 4. Jon Stone <p>Approved 7-1 with the following conditions:</p> <ol style="list-style-type: none"> 1. The permit shall be valid for one (1) year, provided standards are met, subject to the point system; 2. The permit shall be posted in the same area and manner as the Certificate of Occupancy; 3. The permit shall not be valid until an approved TABC Permit is issued to the applicant and a copy is submitted to the Director of Development Services; 4. The permit shall not become effective until a Certificate of Occupancy is received; 5. All Environmental Health permitting requirements must be met; and 6. No live music shall be allowed on the property at any time without first amending the CUP. <p>Commissioner Seebeck dissented.</p> |
| 9 | CUP-13-43 (Cheatham Street Warehouse) Hold a public hearing and consider a request by James Kent, on behalf of CSW Management LLC d/b/a/ Cheatham Street Warehouse for renewal of a Conditional Use Permit to allow the sale of mixed beverages for on-premise consumption at 119 Cheatham Street. | <p>Public Hearing: No one spoke</p> <p>Approved 8-0 with the following conditions.</p> <ol style="list-style-type: none"> 1. The permit shall be valid for one (1) year, provided standards are met, subject to the point system; and, 2. The permit shall be posted in the same area and manner as the Certificate of Occupancy |

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| 10 | CUP-13-44 (Garcia's Mexican Food Restaurant) Hold a public hearing and consider a request by Juan Ybarra, on behalf of Garcia Ybarra Investments, LLC d/b/a Garcia's Mexican Food Restaurant, approval of a new Conditional Use Permit at a location with an expired CUP to allow the sale of beer and wine for on-premise consumption at 403 South LBJ Street. | Public Hearing: No one spoke Approved 8-0 with the following conditions: <ol style="list-style-type: none"> 1. The permit shall be valid for one (1) year, provided standards are met, subject to the point system; and, 2. The permit shall be posted in the same area and manner as the Certificate of Occupancy. |
| 11 | ZC-13-14 (117 Meiners) Hold a public hearing and consider a request by Wen Feng Lin, President of Wenfeng Enterprises, Inc., on behalf of Life Church San Marcos, Inc. for a Zoning Change from Public and Institutional (P) to Mixed Use (MU) for Lot 20A, Millview Addition, located at 117 Meiners Street. | Public Hearing: <ol style="list-style-type: none"> 1. Matt Chambers 2. David Childress 3. George Lopez 4. Lisa Marie Coppoletta 5. Jo Ann Childress 6. Don Eyssen 7. Shirley Harris 8. Patrick Montgomery 9. Stephanie Lopez 10. Pastor Chris Celments Approved 6-2; Commissioners Bryan and Ramirez dissented |
| 12 | CUP-13-40 (117 Meiners Street) Hold a public hearing and consider a request by Wen Feng Lin, on behalf of Wenfeng Enterprise Inc., for a new Conditional Use Permit to allow the sale of mixed beverages for on-premise consumption at 117 Meiners Street. | Public Hearing: No one spoke Approved 8-0 with the following conditions: <ol style="list-style-type: none"> 1. The permit shall be valid for one (1) year, provided standards are met, subject to the point system; 2. The permit approval shall be effective only upon approval by the City Council of the Petition for Zoning Change at 117 Meiners Street ZC-13-14; 3. The permit shall not be valid until an approved TABC Permit is issued to the applicant and a copy is submitted to the Director of Development Services; 4. All Environmental Health permitting requirements must be met; |

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| | | <p>5. The permit shall be effective upon issuance of a Certificate of Occupancy; and</p> <p>6. The permit shall be posted in the same area and manner as the Certificate of Occupancy.</p> |
| 13 | <p>SCW-13-02 (206, 216 and 220 N. Edward Gary) Hold a public hearing and consider a request by John David Carson, on behalf of Carson Diversified Properties 2, LLC, for a SmartCode Warrant to allow an increase in height beyond the 5-story limit for a proposed 9- story building in a SmartCode T5 zoning district at 206, 216 and 220 North Edward Gary Street.</p> | <p>Public Hearing:</p> <ol style="list-style-type: none"> 1. Jim Garber 2. Melissa Derrick 3. Jill Keith 4. Lisa Marie Coppoletta 5. Jay Heibert 6. Patrick Montgomery 7. Don Eyssen 8. Stan Ault 9. HC Kyle 10. Daniel Scales 11. Bridget Phillips 12. Camille Phillips 13. Matt Chambers <p>Postponed for 2 weeks to coordinate public input 6-2; Commissioners Taylor and Wood dissented</p> |
| 14 | <p>SCW-13-03 (520 S. LBJ) Hold a public hearing and consider a request by Gloria Suarez, Owner, for a SmartCode Warrant to allow a reduction from the 80% frontage buildout requirement by incorporating a public park feature along Lee Street for a proposed mixed use building at the corner of Lee and S. LBJ Drive in a SmartCode T5 zoning district located at 520 S. LBJ Drive.</p> | <p>Public Hearing: No one spoke</p> <p>Approved 8-0</p> |
| 15 | <p>LDC-13-06 (Environmental Regulations) Hold a public hearing and consider proposed revisions to Chapters 5 and 7 of the Land Development Code to clarify language, remove inconsistencies, and modify/add environmental protection standards contained within these chapters.</p> | <p>Public Hearing:</p> <ol style="list-style-type: none"> 1. Lisa Marie Coppoletta 2. Dianne Wassenich 3. Jill Keith 4. Daniel Scales <p>Approved 5-3; Commissioners Seebeck, Taylor and Wood dissented</p> |
| 16 | <p><u>Non-Consent Agenda</u></p> <p>Staff presentation and discussion on Municipal Utility Districts.</p> | <p>Amanda Hernandez and Roxanne Nemcik gave a brief presentation</p> |

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| 17 | Development Services Report: a. Comprehensive Master Plan Implementation update b. Code SMTX update | Matthew Lewis gave an update. |
| 18 | Question and Answer Session with Press and Public. <i>This is an opportunity for the Press and Public to ask questions related to items on this agenda.</i> | None |
| 19 | Adjournment | Adjourned at 9:50 p.m. |